

IN THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF MISSOURI

Jeffrey Scott Kowalski,) Case No.: 2: 22-cv-04183-WJE
PO BOX 3365)
Camdenton, MO 65020,)
Plaintiff,)
vs.)
Camden County Historical Society,)
206 S Locust St)
Linn Creek, MO 65052,)
Defendant.)
)

COMPLAINT

Plaintiff alleges the following upon information and belief and/or personal knowledge after due investigation.

NATURE OF THE ACTION

1. Plaintiff Jeffrey Kowalski brings this action against Defendant Camden County Historical Society. Plaintiff was issued an email account by Defendant. Plaintiff seeks damages for unlawful interception and access to stored electronic communications in violation of the Stored Communications Act.
2. Unbeknownst to Plaintiff and without his authorization, Defendant knowingly and intentionally accessed Plaintiff's email account without a good faith purpose and/or in violation of their own policies on or around November 2022.

JURISDICTION AND VENUE

3. Plaintiff brings this action pursuant to 18 U.S.C. § 2701 of the Stored Communications Act.
4. This Court has original jurisdiction over Plaintiff's federal law claims pursuant to 28 U.S.C. § 1331 and § 1337.

5. In connection with the acts and conduct complained of, Defendant, directly or indirectly, used the means and instrumentalities of interstate commerce, including the internet.

THE PARTIES

6. Plaintiff Jeffrey Kowalski is a resident of the State of Michigan and member of the Camden County Historical Society, with a resident address of 17445 Roosevelt Rd, Hemlock, MI.
7. Defendant, Camden County Historical Society, is a public service corporation registered with the State of Missouri, with a principal place of business at 206 S Locust St, Linn Creek, MO 65052.

COUNT I – STORED COMMUNICATIONS ACT (18 U.S.C. § 2701)

8. Plaintiff repeats and re-allege each and every preceding allegation as if fully set forth herein.
9. The Stored Communications Act (hereinafter “SCA) provides a cause of action against any person who “intentionally access without authorization a facility through which an electronic communication service is provided “or any person “who intentionally exceeds an authorization to access that facility; and thereby obtains, alters, or prevents authorized access to a wire or electronic communication while it is in electronic storage in such a system.” 18 U.S.C. § 2701(a).
10. Section 2711 defines “person” to include “any corporation”. Accordingly, Defendant is a “person” within the meaning of the SCA.
11. Plaintiff’s electronic mail messages are considered “electronic communication” pursuant to Section 2711.

12. Section 2711 defines “electronic communication service” to include Defendant’s Google Workspace.
13. Defendant’s unlawful access to his e-mail account, jeff@camdencountymuseum.org, constitutes an authorized acquisition of stored electronic communication in violation of the SCA.
14. Plaintiff was harmed by Defendant’s violation and pursuant to 18 U.S.C. 2707(c), is entitled to actual damages or statutory minimum damages of \$1,000 per violation, punitive damages, and costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Jeffrey Scott Kowalski respectfully requests that this court issue judgment in his favor against Defendant, Camden County Historical Society, as follows:

- 1) For compensatory damages of \$1,000 per violation
- 2) For punitive damages
- 3) For fees and costs
- 4) For declaratory relief and injunctive relief, and
- 5) For such other and further relief as this Court deems just and appropriate.

Respectfully submitted,

December 12th, 2022

/s/ Jeffrey Kowalski
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